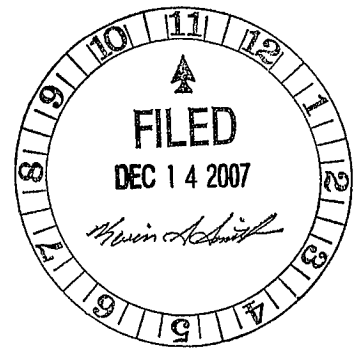


In the  
**Indiana Supreme Court**



IN THE MATTER OF THE  
APPROVAL OF LOCAL RULES  
FOR MARSHALL COUNTY

)  
)  
)  
)  
)

0712  
Case No. 50S00- -MS- 583

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Marshall Circuit and Superior Courts request the approval of an amended local rule for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Marshall Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR50-TR81 & AR1(E)–MLR-010 complies with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR50-TR81 & AR1(E)–MLR-010 for Marshall County Courts, set forth as an attachment to this Order, is approved effective January 1, 2008. The Clerk of this Court is directed to post a copy of the amended rule on the Indiana Judicial Website. The Clerk of this Court is further directed to forward a copy of this Order to the Hon. Michael D. Cook, Marshall Circuit Court, 501 North Center Street, #301, Plymouth, IN 46563-1707; the Hon. Robert O. Bowen, Marshall Superior Court, 211 West Madison Street, #301, Plymouth, IN 46563-1707; the Hon. Dean A. Colvin, Marshall Superior Court, 211 West Madison Street, #301, Plymouth, IN 46563-1707; and to the Clerk of the Marshall Circuit Court.

The Clerk of the Marshall Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 14<sup>th</sup> day of December, 2007.

Randall T. Shepard  
Randall T. Shepard  
Chief Justice of Indiana

**LR50- TR81& AR1(E) -MLR-010**

*Local Caseload Allocation Plan*

**PROPOSED AMNDMENT EFFECTIVE 1/01/08**

The weighted caseload for Marshall County in 2005 was 3.97. Marshall County has three (3) judges. The annual average caseload for each judge equaled 1.32. The judge of the Marshall Circuit Court is .27 below the average and the judge of the Marshall Superior Court #1 is within .14 points of the average. The judge of the Marshall Superior Court #2 exceeded the average by .41 percentage points, which is fewer points differential than when Marshall County's plan was last submitted and approved by the Supreme Court in 1999.

The judges of the Courts of Marshall County agree that the distribution of cases is currently acceptable in Marshall County in as much as Superior Court #2 handles the high volume matters including small claims, misdemeanors, and infractions. Superior Court #2 is appropriately staffed with six (6) employees while Circuit Court and Superior Court #1 have only three (3) employees each. The facilities in Marshall County are designed to accommodate the staff and case filings as currently exist in Marshall County. The judges in Marshall County also assist each other with the transfer of cases as needed and help with caseloads as requested.

Given these factors, the current method of filing and handling cases in Marshall County provides for an expedient disposition for the litigants involved and the Judges see no reason for changing the current system. However, as caseloads need to be addressed in the future the following shall control;

In order to meet the statistical requirements mandated by the Indiana Supreme Court original case filings shall be made in the following Courts as follows effective January 1, 2008:

**Marshall Circuit Court**

All JC, JD, JS, JP, JM, JT, MF,RS, MH, GU, ES/EU, TR case types.

**Marshall Superior Court #1**

All Capital Murder, MR, FA, FB, FC, FD case types.

**Marshall Superior Court #2**

All CM, IF, OV, OE and SC, case types.

In addition:

the following shall be filed in either the Marshall Circuit Court or  
Marshall Superior Court # 1:

---

All DR, AD, AH and PO case types.

the following shall be filed in either the Marshall Circuit Court or  
Marshall Superior Court #2:

---

All CT, CC and PL case types.

and, PC, MI and MC filings shall be made in the most appropriate Court  
for the matter that needs to be addressed.

Transfers shall be permitted between Courts with the approval of the  
participating judges.

Judicial officers shall be authorized to act and conduct trials and hearings  
of all types in any of the courts of Marshall County in the event the  
presiding judge is unavailable or requests assistance.

~~Future filings shall be diverted from the overly burdened Court to the  
other Courts as agreed by the Judges.~~

~~The judge or judges of the courts with the smaller caseloads will assist the  
judge with the heaviest caseload by scheduling, as needed, a day or days  
for conducting hearings on matters pending in the burdened court.~~

Upon approval by the Supreme Court, this rule shall remain in effect until further  
order.

**IN THE MARSHALL CIRCUIT COURT  
IN THE MARSHALL SUPERIOR COURT NO. 1  
IN THE MARSHALL SUPERIOR COURT NO. 2**

STATE OF INDIANA           )  
COUNTY OF MARSHALL    )

IN THE MATTER OF JOINT )  
LOCAL COURT RULES       )

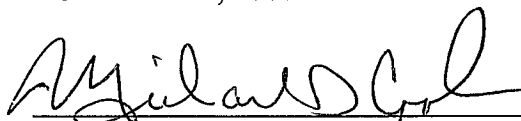
**ORDER FINDING GOOD CAUSE TO DEVIATE  
FROM THE SCHEDULE FOR ADOPTING LOCAL COURT  
RULES AND REQUEST FOR SUPREME COURT APPROVAL**

The Judges of Marshall County, Indiana, according to T.R. 81(D), find that good cause exists to deviate from the schedule establishing time periods for the amendment of local court rules for the proposed amendment to the caseload allocation plan submitted pursuant to Administrative Rule 1 (E) and request approval of the Indiana Supreme Court.

Comments may be made for thirty (30) days after posting and may be submitted to: The Honorable Michael D. Cook, Judge, Marshall Circuit Court, 501 N. Center Street, # 301, Plymouth, IN 46563-1707, or at [mcook@co.marshall.in.us](mailto:mcook@co.marshall.in.us); The Honorable Robert O. Bowen, Judge, Marshall Superior Court No. 1, 211 W. Madison Street, #301, Plymouth, IN 46563, or at [robb@co.marshall.in.us](mailto:robb@co.marshall.in.us), The Honorable Dean A. Colvin, Judge, Marshall Superior Court No. 2, 211 W. Madison Street, Suite 201, Plymouth, IN 46563, or at [dcolvin@co.marshall.in.us](mailto:dcolvin@co.marshall.in.us).

The proposed revision to the Marshall County Local Court Rules LR50-TR81 & AR1 (E)-MLR-010, and LR50-CR2.2-MLR-014 shall take effect on January 1, 2008 and after approval by the Indiana Supreme Court.

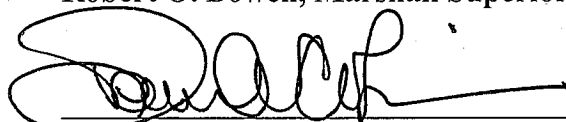
SO ORDERED THIS 7<sup>th</sup> DAY OF NOVEMBER, 2007.



Michael D. Cook, Marshall Circuit Court Judge



Robert O. Bowen, Marshall Superior Court No. 1



Dean A. Colvin, Marshall Superior Court No. 2